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| 09/941,157      | 08/27/2001  | Eric Ping Pang Chan  | 3591-1154           | 4623             |

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EXAMINER

FITZGERALD, JOHN P

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/941,157

Applicant(s)

PANG CHAN ET AL.

Examiner

John P Fitzgerald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of the Group I invention, corresponding to claims 1-36 in Paper No. 8 is acknowledged. Non-elected claims 37-54 have been cancelled.

### ***Specification Objections***

2. The abstract of the disclosure is objected to because it exceeds 250 words in total length. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-15, 17-22, 24-29, 31-34 and 36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preambles of all the dependent claims recite "The invention of," rendering the claims indefinite, for it is not clear which recited element is considered to be "the invention." For example, the preambles of claims 2-15 should recite: "The table of claim....." to distinctly claim further limitations of the "table."
5. Claim 22 recites the limitation "said upper surface" in line 3. There is insufficient antecedent basis for this limitation in the claim.



***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

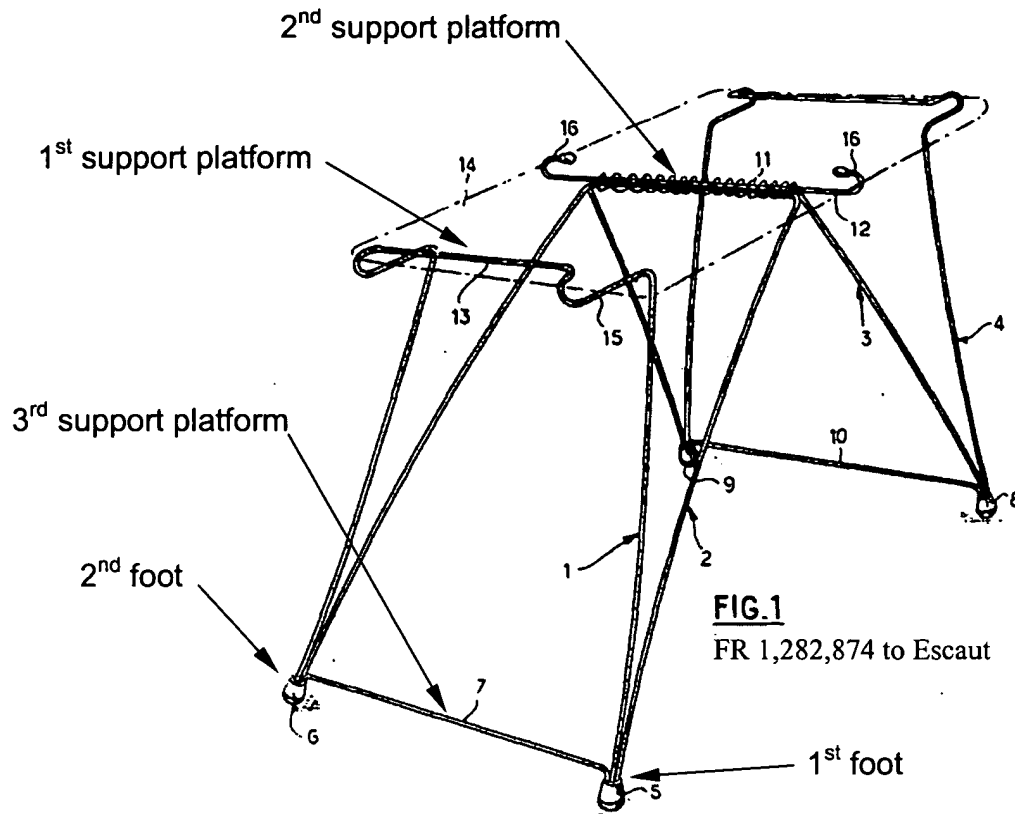
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 12, 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by FR 1,282,874 to Escut. FR 1,282,874 to Escut discloses a table (Figs. 1 and 2) comprising a first wire support (1) and a second wire support (2), each of the first and second wire supports comprising opposite ends joined to define a first and second foot and wherein a portion of the first and second wire supports form a first and second support platform, respectively, wherein the first wire support comprises a first segment extending upwardly from the first foot to the first support platform and a second segment extending from the first support platform to the second foot, and wherein the second wire support comprises a first segment extending upwardly from the second foot to a second support platform and a second segment extending from the second support platform to the first foot; and a work surface (14) supported on the first and second support platforms; a third wire support (7) comprising opposite ends joined to the first and second feet, wherein a portion of the third wire support forms a third support platform, the third wire support comprising a first segment extending from the first foot to the third support platform and a second segment extending from the second foot to the third support platform; a glide (5, 6) connected to each of the first and second feet; and wherein the first and second wire members are each made of a single piece of wire.



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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 10, 11, 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 1,282,874 to Escout as applied to claims 1 and 2 under 35 U.S.C. § 102 above, and further in view of Watrous et al. FR 1,282,874 to Escout discloses a table having all of the elements stated previously. FR 1,282,874 to Escout does not expressly disclose a table further



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comprising a first and second cap member disposed on an upper surface of the work surface, wherein the first cap member is connected to the first support platform and wherein the second cap member is connected to the second support platform such that the work surface is clamped between the first and second cap members and the first and second support platforms respectively; wherein the first support platform comprises a plate member attached to the first wire support; wherein the opposite ends of the first and second wires are welded to form the first and second feet; further comprising a collar disposed over each of the first and second feet, wherein the glides are connected to the collars; a first collar attached to the first and second wire supports, and a second collar attached to the third wire support, and a fastener connecting the first and second collars. Watrous et al. teaches a table wire support (Figs. 1-17) having cap members (16) disposed on an upper surface of a work surface (10), wherein the cap member is connected to a plate member support platform (22, 52, 48) such that the work surface is clamped between the first and second cap members and the support platform; wherein the plate member is attached to wire supports (46); wherein opposite ends of the wire supports are welded (Watrous et al. col. 3, lines 16-17) to a collar (50, 70); wherein a first collar (84) is attached to a first and second wire support, and a second collar (78) is attached to a third wire support. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the cap members and support elements taught by Watrous et al., modifying the table disclosed by FR 1,282,874 to Escaut, thus providing a readily assembled and disassembled support structure for a table Watrous et al. col. 1, lines 15-23). In specific regards to claim 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a



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fastener to join elements of the wire supports and collars, since it is well known in the art to provide any suitable fastener to join elements to one another.

10. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 1,282,874 to Escut and Watrous et al. as applied to claims 1 and 3 above, and further in view of Kirsch. FR 1,282,874 to Escut and Watrous et al. disclose a table having all of the elements stated previously. FR 1,282,874 to Escut and Watrous et al. do not expressly disclose a table wherein at least a portion of the cap member is raised about the upper surface of the work surface, wherein the work surface comprises a first work surface, and further comprising a second work surface having a pair of openings shaped to receive the raised portion of the cap member, wherein the second work surface is disposed on the first work surface and is indexed on the first and second cap members. Kirsch teaches a table (Figs. 1-4) having work surface (A) comprising a first work surface, and a second work surface (C) disposed on the first work surface; wherein raised members (15) are above the first work surface and receiving openings (10) are disposed on the second work surface to engage the raised members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the caps of the table disclosed by FR 1,282,874 to Escut and Watrous et al. with raised portions to engage recesses in a second work surface, as taught by Kirsch, thus a second work surface protective covering for the first work surface and retaining means for holding the second work surface in place against slippage which may result in breakage or damage to the table top (Kirsch: col. 1, lines 1-6).

11. Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 1,282,874 to Escut as applied to claim 1 under 35 U.S.C. § 102 above, and further in view of Vogt et al. FR 1,282,874 to Escut discloses a table having all of the elements stated previously.



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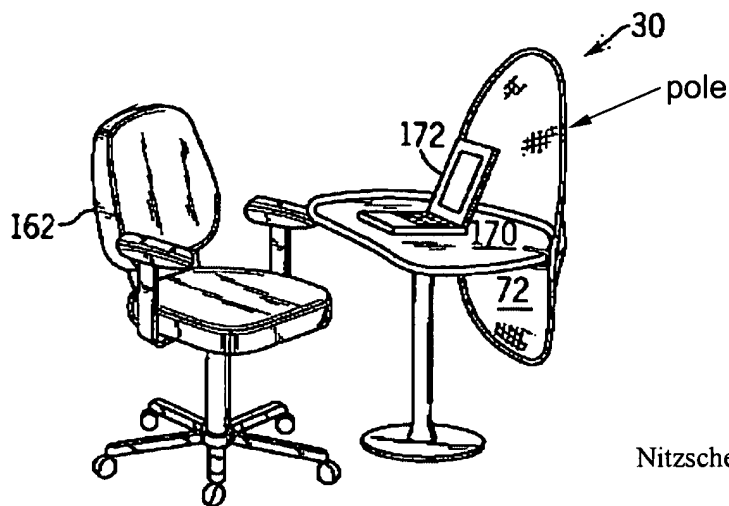
FR 1,282,874 to Escaut does not expressly disclose a table further comprising an accessory having a mounting portion disposed between at least one of the first and second support platforms and the work surface; wherein the accessory is a rail. Vogt et al. teach a table (Figs. 1-10) having a rail accessory (26) having a mounting portion (25) disposed between a support surface (7) and a work surface (20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an accessory rail, as taught by Vogt et al., modifying the table disclosed by FR 1,282,874 to Escaut, thus providing ability for storage units (Vogt et al.: col. 5, lines 5-8).

12. Claims 8, 9 and 30-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 1,282,874 to Escaut and Vogt et al. as applied to claims 1 and 5 above, and further in view of Nitzsche. FR 1,282,874 to Escaut and Vogt et al. disclose a table having all of the elements stated previously. FR 1,282,874 to Escaut and Vogt et al. do not expressly disclose a table wherein the screen comprises a curved pole extending out of a plane defined by the work surface from a side of the work surface to a rear of the work surface and wherein the screen is made of a bi-directional stretchable material. Nitzsche teaches a table (170) (Figs. 1-8) having a screen (30) made of a bi-directional stretchable material (72) (Nitzsche: col. 4, lines 5-16); the screen having a curved pole (40) extending out of a plane defined by the work surface from a side of the work surface to another side of the work surface. Nitzsche further discloses that the screen may be associated with any type of article of furniture and variations in mounting arrangements, such as from a side of a work surface to the rear of a work surface (Nitzsche: col. 8, lines 23-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the accessory screen taught by Nitzsche, modifying the table disclosed by FR



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1,282,874 to Escaut and Vogt et al., thus providing selective privacy to a work environment (Nitzsche: col. 2, lines 63-65). In specific regards to method steps for assembling a table in claims 30-34, it would have been obvious to one having ordinary skill in the art to assemble the table disclosed by FR 1,282,874 to Escaut, Watrous et al., Kirsch and Vogt et al. (claims 1-15) with the method of assembly of all the recited elements, or by any other logical method or manner or steps to assembled the recited elements to form the disclosed table.



Nitzsche

FIG. 8

13. Claims 23-29, 35 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nitzsche. Nitzsche discloses a workspace (Figs. 1-8) comprising a screen (30) comprising a pole having a curved portion and sheet material web (72) at least partially circumscribed by the frame (Nitzsche: col. 2, lines 16-24) comprising a first edge portion connected to the pole and a second edge portion wherein the second edge portion is positioned such that the sheet material web has a non-planar contour; wherein the sheet material web comprises a bi-directional stretchable material (72) (Nitzsche: col. 4, lines 5-16); further comprising a work surface member (170) comprising a substantially planar work surface member and an edge formed



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around at least a portion of the periphery thereof, wherein the pole extends out of a plane defined by the work surface and wherein the sheet material engages a portion of the edge of the work surface member; wherein the work surface member comprises a side edge and rear edge, and wherein the sheet material web engages a portion of each of the side and rear edges; a fitting (102) wherein one end of the pole is received in the fitting, wherein the fitting is connected to the work surface member. Nitzsche further discloses that the sheet material web is at least partially circumscribed by the pole, the web having a shape at least partially defined by the pole, thus allowing for a second free edge along with an attached first edge (Nitzsche: col. 2, lines 16-42). Nitzsche additionally discloses that the screen may be associated with any type of article of furniture and variations in mounting arrangements and methods of mounting the screen, such as from a side of a work surface to the rear of a work surface and wherein the fitting is mounted between the support structure and the work surface member, and or other workspace elements (Nitzsche: col. 8, lines 23-57 and col. 9, lines 37-40). Furthermore, it is considered well known and well within the ordinary skill of one in the art to vary mounting positions and locations of a screen relative to a work surface member to provide the level of privacy desired; including method steps recited in claims 35 and 36, or any method steps utilizing the elements and teachings of Nitzsche to create a desired workspace environment.

14. Claims 16, 17 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watrous et al. and Vogt et al. Watrous et al. discloses a table (10) (Figs. 1-17) comprising a support structure (26) comprising a support platform (22, 48), a work surface (10) comprising a first and second surface wherein the first surface is supported by the support platform; and a cap member (16) disposed on the second surface, wherein the cap member is connected to the



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support platform by clamping via a fastener (28, 54) through a slot (24, 52). Watrous et al. do not expressly disclose a table further comprising an accessory being a rail having a mounting portion; wherein the mounting portion is disposed between the first surface and the support platform. Vogt et al. teach a table (Figs. 1-10) having a rail accessory (26) having a mounting portion (25) disposed between a support surface (7) and a work surface (20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an accessory rail, as taught by Vogt et al., modifying the table disclosed by Watrous et al., thus providing ability for storage units (Vogt et al.: col. 5, lines 5-8).

15. Claims 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watrous et al. and Vogt et al. as applied to claim 16 above, and further in view of Nitzsche. Watrous et al. and Vogt et al. disclose a table having all the elements stated previously. Watrous et al. and Vogt et al. do not expressly disclose a table having a screen accessory, wherein the screen comprises a curved pole disposed over a portion of the second surface of the work surface and wherein the screen further comprises a bi-directional stretchable material. Nitzsche teaches a table (170) (Figs. 1-8) having a screen (30) made of a bi-directional stretchable material (72) (Nitzsche: col. 4, lines 5-16); the screen having a curved pole (40) disposed over a portion of the second surface of a work surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the accessory screen taught by Nitzsche, modifying the table disclosed by Watrous et al. and Vogt et al., thus providing selective privacy to a work environment (Nitzsche: col. 2, lines 63-65).

16. Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Watrous et al. and Vogt et al. as applied to claim 16 above, and further in view of Kirsch. Watrous et al. and



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Vogt et al. disclose a table having all the elements stated previously. Watrous et al. and Vogt et al. do not expressly disclose a table wherein at least a portion of the cap member is raised about the upper surface of the work surface, wherein the work surface comprises a first work surface, and further comprising a second work surface having an opening shaped to receive the raised portion of the cap member, wherein the second work surface is disposed on the first work surface and is indexed on the cap member. Kirsch teaches a table (Figs. 1-4) having work surface (A) comprising a first work surface, and a second work surface (C) disposed on the first work surface; wherein raised members (15) above the first work surface and receiving openings (10) disposed on the second work surface to engage the raised members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cap of the table disclosed by FR 1,282,874 to Escut and Watrous et al. with raised portions to engage an opening in a second work surface, as taught by Kirsch, thus a second work surface protective covering for the first work surface and retaining means for holding the second work surface in place against slippage which may result in breakage or damage to the table top (Kirsch: col. 1, lines 1-6).

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gioacchini et al. teach a table having a screen and mouting supports ; and Hamilton et al. teach a table having a screen with mounting supports.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Fitzgerald whose telephone number is (703) 305-4851.



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The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 before final action, and (703) 872-9327 after final action. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.



JF

06/26/2003

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